

1999-323E226602 -  
2000-265-C-226603  
2001-21C-226604

RECEIVED  
DD10-28-10  
226587

  
**ROBINSON MCFADDEN**  
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.  
COLUMBIA, SOUTH CAROLINA

October 28, 2010

**VIA ELECTRONIC FILING**

Jocelyn Boyd, Interim Chief Clerk of the Commission  
Public Service Commission of South Carolina  
PO Drawer 11649  
Columbia, SC 29211

**Re: Birch Communications, Inc.  
Docket No. 2010-325-C  
Our File No. 30803-0001**

Dear Jocelyn:

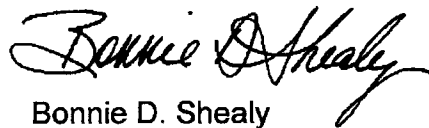
We are filing herewith the Affidavits of Publication from the following newspapers:

1. Greenville, *The Greenville News*;
2. Columbia, *The State*; and
3. Charleston, *The Post and Courier*.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.

  
Bonnie D. Shealy

BDS/tch

Enclosures

cc: Angela F. Collins, Esquire (via email)

RECEIVED

WILLIAMS

TONIC C. HAWKINS ROBINSON, MCFADDEN & MOORE  
PO BOX 944  
COLUMBIA SC 29202

## AFFIDAVIT OF PUBLICATION

# The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

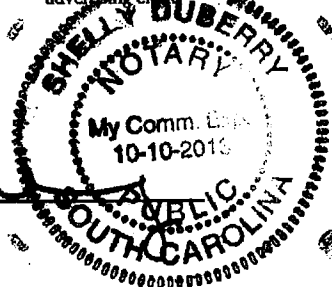
appeared in the issues of said newspaper on the following day(s):

10/01/10 Fri PC  
10/01/10 Fri CNW

at a cost of **\$341.58**  
Account# **107217**  
Order# **396577**  
P.O. Number: **30803-0001**

Subscribed and sworn to before  
me this 6<sup>th</sup> day  
of October  
A.D. 2010

*Keisha Eddings*  
advertising clerk



*Shelly Duberry*  
NOTARY PUBLIC, SC  
My commission expires

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
NOTICE OF PUBLIC HEARING  
TO BE HELD AT THE OFFICE OF THE  
PUBLIC UTILITIES COMMISSION  
ON OCTOBER 28, 2010

TO: ALL INTERESTED PARTIES  
FROM: THE PUBLIC UTILITIES COMMISSION  
SUBJECT: PUBLIC HEARING ON THE  
APPLICATION OF THE SOUTH CAROLINA  
TELECOM AND BROADBAND  
COMMUNICATIONS ACT

The Public Utilities Commission (PUC) is holding a public hearing on the application of the South Carolina Telecom and Broadband Communications Act. The Act is designed to promote competition and innovation in the telecommunications and broadband markets. The PUC is seeking input from interested parties on the proposed rules and regulations that will govern the implementation of the Act. The public hearing will be held on October 28, 2010, at the PUC's offices in Columbia, South Carolina. The hearing will begin at 10:00 a.m. and will last for approximately two hours. All interested parties are invited to attend the hearing and provide their comments and suggestions. The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

A copy of the application is available for review at the PUC's public affairs office. The application is also available for review at the PUC's website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com). The PUC is also holding a public hearing on the application of the South Carolina Telecom and Broadband Communications Act on October 28, 2010, at the PUC's offices in Columbia, South Carolina. The hearing will begin at 10:00 a.m. and will last for approximately two hours. All interested parties are invited to attend the hearing and provide their comments and suggestions. The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

A public hearing is scheduled for October 28, 2010, at the PUC's offices in Columbia, South Carolina. The hearing will be held at 10:00 a.m. and will last for approximately two hours. All interested parties are invited to attend the hearing and provide their comments and suggestions. The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

Any person who wishes to participate in this hearing should contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com) to obtain a copy of the application and the proposed rules and regulations. The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

TO: ALL INTERESTED PARTIES  
FROM: THE PUBLIC UTILITIES COMMISSION  
SUBJECT: PUBLIC HEARING ON THE  
APPLICATION OF THE SOUTH CAROLINA  
TELECOM AND BROADBAND  
COMMUNICATIONS ACT

The Public Utilities Commission (PUC) is holding a public hearing on the application of the South Carolina Telecom and Broadband Communications Act. The Act is designed to promote competition and innovation in the telecommunications and broadband markets. The PUC is seeking input from interested parties on the proposed rules and regulations that will govern the implementation of the Act. The public hearing will be held on October 28, 2010, at the PUC's offices in Columbia, South Carolina. The hearing will begin at 10:00 a.m. and will last for approximately two hours. All interested parties are invited to attend the hearing and provide their comments and suggestions. The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

Any person who wishes to be notified of any changes in the hearing schedule or to provide testimony should contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com). The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

PLEASE TAKE NOTICE: Any person who wishes to provide testimony at the public hearing should contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com). The PUC will consider all input received and will make a final decision on the proposed rules and regulations. For more information, please contact the PUC's public affairs office at (803) 253-1234 or visit our website at [www.southcarolinapuc.com](http://www.southcarolinapuc.com).

Public Affairs Office  
Public Utilities Commission  
1000 North Main Street  
Columbia, SC 29201  
(803) 253-1234

9/27/10 AD 10777

PUBLIC SERVICE  
COMMISSION OF  
SOUTH CAROLINA  
CLERK'S OFFICE

**NOTICE OF  
FILING**

DOCKET NOS. 2010-  
325-C, 1999-323-C,  
2000-265-C AND 2001-  
21-C

Birch Communications Inc. ("Birch Communications" or "Purchaser"), Birch Telecom of the South, Inc. d/b/a Birch Communications ("Birch Telecom") (collectively the "Company"), and American Fiber Network, Inc. ("AFN" or "Seller") (Birch Communications, Birch Telecom and AFN collectively, the "Joint Applicants") have jointly filed an Application with the Public Service Commission of South Carolina ("Commission") for authority to transfer Seller's telecommunications assets and South Carolina customer base to the Company. This request is made pursuant to S.C. Code Ann. §§ 58-9-280, 58-9-300 and 58-9-310. The assets to be purchased include customer accounts, accounts receivable, customer agreements and contracts, vendor agreements and contracts, and intellectual property. According to the Joint Application, the proposed Transaction will be transparent to customers and will not have a negative impact on the public interest or services to South Carolina customers or competition. A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) under Docket Number(s) 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. A copy of the Application is also available from Bonnie D. Shealy, Esquire, Robinson McFadden & Moore, P.C., P.O. Box 944, Columbia, SC 29202. A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date. Any person who wishes to participate in this matter as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before October 28, 2010, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.

THE STATE MEDIA CO., INC.  
Columbia, South Carolina  
publisher of

**The State**

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of Filing – Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C – Birch Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 1, 2010

Subscribed and sworn to before me

on this day October 5, 2010

Erin F. Harshman

Notary Public

My commission expires  
March 10, 2013

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

Any person who wishes to testify and present evidence at the hearing should notify the Clerk's Office in writing, at the address below, the Office of Regulatory Staff, at 101 Main Street, Suite 1900, Columbia, South Carolina 29201, and Bonnie D. Shealy, Esquire, at the above address, on or before October 28, 2010, and indicate the amount of time required for his presentation. Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.

Any person who wishes to be notified of any changes to the hearing, or does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office in writing, at the address below, on or before October 28, 2010. Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.

**PLEASE TAKE NOTICE:** Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments in person to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-6100.

Public Service Commission of South Carolina  
Attn: Clerk's Office  
Post Office Drawer  
11849  
Columbia,  
South Carolina 29211  
9/27/10

## AFFIDAVIT

I, *Susan Mullinas*, being the  
Advertising Sales Agent for Gannett, Inc., do hereby testify that  
the attached legal ad was published on  
10-5, 2010,

in *The Greenville News* and/or *The Tribune Times*.

*Susan Mullinas*

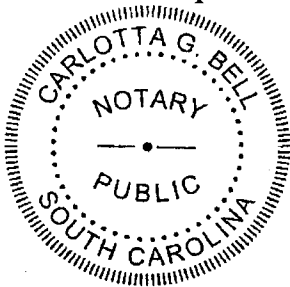
Sales Agent

*Carlotta G. Bell*

Carlotta G. Bell

Notary Public for the State of South Carolina

My Commission Expires July 22, 2020



Ad Text:

4648944PUBLIC SERVICECOMMISSIONOF  
SOUTHCAROLINA CLERK'S OFFICE NOTICE OF  
FILING DOCKET NOS. 2010-325-C, 1999-323-C,  
2000-265-C AND 2001-21-C Birch Communications, Inc.  
("Birch Commu-nications" or "Purcha-ser"); Birch  
Telecom ofthe South, Inc., d/b/aBirch  
Communications("Birch Telecom") (co-llectively the  
"Comp-any"); and AmericanFiber Network, Inc.("AFN"  
or "Seller")(Birch Communica-tions, Birch Telecomand  
AFN collectively,the "Joint Applicants")have jointly filed  
an Ap-plication with the Pub-lic Service Commissionof  
South Carolina ("C-ommission") for au-thority to transfer  
Sell-er's telecommunica-tions assets and SouthCarolina  
customer baseto the Company. Thisrequest is made  
pursu-ant to S.C. Code Ann. §§58-9-280, 58-9-300  
and58-9-310. The assets tobe purchased includecustomer  
accounts, ac-counts receivable, cus-tomer agreements  
andcontracts, vendoragreements and con-tracts, and  
intellectualproperty. According tothe Joint Application,the  
proposed Trans-action will be transpa-rent to customers  
andwill not have a negativeimpact on the public in-terest,  
services toSouth Carolina custom-ers, or competition. A  
copy of the Applica-tion is on file in the of-fices of the  
Commis-sion, 101 Executive Cen-ter Drive,  
Columbia,South Carolina 29210and on the Commis-sion's  
website atwww.psc.sc.gov underDocket Number(s)  
2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.  
Acopy of the Applicationis also available fromBonnie D.  
Shealy, Es-quire, Robinson,McFadden & Moore, PC,P.O.  
Box 944, Columbia,SC 29202. A public hearing,  
ifscheduled, will be heldin Columbia, South Car-olina, in  
the offices ofthe Commission at theabove address, for  
thepurpose of receivngtestimony and otherevidence from  
all inter-ested parties regardingthis Application. Thetime  
and date of thishearing will be fur-nished to all  
interestedparties at a later date. Any person who wishesto  
participate in thismatter, as a party of re-cord with the  
right ofcross-examination,should file a Petition  
toIntervene in accor-dance with the Com-mission's Rules  
of Prac-tice and Procedure onor before October 28,2010,  
and indicate theamount of time re-quired for his  
presenta-tion. Please include anemail address for rec-eipt  
of future Commis-sion correspondence inthe Petition to  
Inter-vene. Please refer toDocket Nos.  
2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C.  
Any person who wishesto testify and presentevidence at  
the hearingsshould notify theClerk's Office, in writ-ing, at  
the address be-low, the Office of Regu-latory Staff at  
1401Main Street, Suite 900,Columbia, South Caroli-na  
29201, and Bonnie D.Shealy, Esquire, at theabove  
address, on orbefore October 28, 2010,and indicate  
theamount of time re-quired for his presenta-tion. Please

refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office, in writing, at the address below on or before October 28, 2010. Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing. Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100. Public Service Commission of South Carolina Attn: Clerk's Office Post Office Drawer 11649 Columbia, South Carolina 29211

**THANK YOU FOR YOUR ADVERTISEMENT!**

If I can be of further assistance, please call : 864-298-4100